

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

STEPHEN JONES,

Plaintiff,

v.

SGT. REINBOLT,
Steuben County Sheriff's Office, et al.,

Defendants.

DECISION & ORDER

19-CV-6672CJS

On September 13, 2019, *pro se* plaintiff Stephen Jones ("plaintiff") commenced this action against the defendants pursuant to 42 U.S.C. § 1983 alleging that defendants violated his constitutional rights during his pretrial incarceration at the Steuben County Jail. (Docket ## 1, 7, 8). Currently pending before this Court is plaintiff's motion to compel. (Docket # 39).

Although plaintiff seeks to compel the production of "imp[e]rative discovery," the only item plaintiff identifies is "video surveillance footage of the incident." (*Id.*). By letter dated January 5, 2022, counsel for defendants provided plaintiff with a thumb drive containing the video footage. (Docket # 41). Because the discovery sought to be compelled has been provided, the motion to compel is denied as moot. *See, e.g., Yancey v. Pancoe*, 2022 WL 2841917, *1 (W.D.N.Y. 2022) ("[b]ecause defendants served their initial disclosures [after the motion was filed,] any request for an order compelling them to do so is now moot"); *Vega v. Hatfield*, 2011 WL 13128745, *1 (W.D.N.Y. 2011) ("[a]lso pending is [plaintiff's] motion to compel certain discovery responses[;] [b]ecause defendants represent that they have now produced the requested discovery . . . , [plaintiff's] motion to compel is denied as moot").

As a final matter, both parties' filings address the need to reschedule plaintiff's deposition, which was apparently adjourned at plaintiff's request. In the event that counsel has not yet conducted plaintiff's deposition and wishes to do so, he is directed to contact the facility and make arrangements to depose plaintiff. Such deposition shall be conducted by no later than **September 16, 2022.**

IT IS SO ORDERED.

s/Marian W. Payson

MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
July 27, 2022